

REMARKS/ARGUMENTS

Formal Drawings

The indication by the Examiner in the recent Office Action that the formal drawings filed on February 1, 2001 were approved by the Draftsman is noted with appreciation.

Status

Claims 37, 39-77, 96-108, 110-112 have been cancelled by the present amendment and claims 115-158 have been added. Claims 1-36, 78-95, 109, 133-165 will remain for further consideration.

The claims in this application have been revised to voluntarily further clarify Applicant's unique invention. Applicant maintains that the claims as filed were patentable over the art of record. However, to expedite issuance of this application, reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

Election of Species

The Examiner has required election among the inventions of Groups I, II III, IV & V. During a telephone conversation on September 24, 2003, the undersigned provisionally elected with traverse to prosecute the invention of Group(s) I, namely, Claims 1-36, 78-95, 109, 114. This is to affirm the election. Nonelected Claims 37, 39-77, 96-108, 110-112 are canceled with applicant reserving the right to file a divisional application on the nonelected invention.

Allowable Subject Matter, Otherwise Allowable Claims

The Examiner indicated that claims 7, 8, 13, 14, 23, 24, 26, 27, 31-34, 80-83, 90, 93 and 113 would be allowable if rewritten in independent form including all of the limitations of the base claim and of any intervening claims. Claims 1 (previously 7) and 80 have been so rewritten. The indication of this allowable subject matter is noted with appreciation.

Claim History

The Examiner rejected claims 5, 6, 9-12, 17, 35, 36 and 109 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 1, 2, 4-6, 28, 29, 92, 94 under 35 U.S.C. § 102 as being anticipated by Vegvari. The Examiner rejected claims 1-6, 15-22, 25, 26-30, 78, 79, 84-89, 91, 92, 94, 95, and 114 under 35 U.S.C. § 102 over Kelly. The Examiner rejected claims 15-19 and 25 under 35 U.S.C. § 103 over Vegvari in view of 1-800-FLOWERS.com. The Examiner rejected claims 3 and 30 under 35 U.S.C. § 103 over Vegvari in view of Marshall. The Examiner rejected claims 22 under 35 U.S.C. § 103 over Vegvari in view of 1-800-FLOWERS.com, Dillon and Marshall.

Interview Summary

The Applicant respectfully thanks the Examiner for extending the courtesy of the interview concerning the priority status of the Application. No prior art was discussed. No agreement was reached as to the allowability of the claims. The Examiner agreed to withdraw the previous office action and issue a new office action on the merits.

35 U.S.C. § 112

The Examiner rejected claims 5, 6, 9-12, 17, 35, 36 and 109 under 35 U.S.C. § 112, second paragraph, as being indefinite. Amendments made to these claims should obviate the grounds for this rejection.

Claims 5 and 17 have been amended to clarify that the communication medium can be one or more systems ("at least one communication medium") and it is noted that "homogenous" and "heterogeneous" are *alternatives* ("is selected from the group..." in claim 5 and "or" in claim 17).

Claims 6 and 9 have been amended to claim "different formats" of the various communication applications. Claims 10-12 depend from claim 9 and thus the amendment to claim 9 should obviate the grounds for rejection of claims 10-12.

The dependency of claims 35, 36 and 109 have been changed to provide proper antecedent basis.

35 U.S.C. § 102

The Examiner rejected claims 1, 2, 4-6, 28, 29, 92, 94 under 35 U.S.C. § 102 as being anticipated by Vegvari. The Examiner rejected claims 1-6, 15-22, 25, 26-30, 78, 79, 84-89, 91, 92, 94, 95, and 114 under 35 U.S.C. § 102 over Kelly.

Claims 1 has been combined with the allowable subject matter of claim 7 as indicated by the Examiner. Claims 1 and depending claims 2-6 and 8-14 and 92 should be allowable for at least these reasons.

Claims 80 has been combined with the intervening claim 78 to form an allowable independent claims as indicated by the Examiner. Claims 80 and depending claims 81-83, 90 and 113 should be allowable for at least these reasons.

The remaining independent claims have been amended to read over the prior rejection:

Claim 28 requires that the same address, namely the domain name, can be entered into the communication systems, including a standard, analogue telephone to reach a party. For instance, when dialing an analogue phone, the switch exchange (PSTN, etc.) will ignore the letters or numbers after the initial 7-11 numbers (depending on the locale and number dialed) and will connect with the intended party. As an example, 7035551212.com can be entered into either a phone or a browser to reach a user by phone or by internet. Vegvari makes no mention of telephone use and Kelly only discusses the use of analogue or digital telephones. However, Kelly requires manipulation of the telephone number by reversing and other steps to reach an IP address of a telephone, contrary to the recitation of claim 28 that no reversal or manipulation of the number is needed to successfully reach the desired location. Additionally, the domain name in Kelly is merely a lookup address and is not used as a domain name to access a website. Likewise the Kelly e-mail address is just another form of the lookup data for the IP address, and is not used to send e-mails. Both the "domain name" and "e-mail address" in Kelly are used because they are existing formats which require new Domain Name Server software and standards to implement. They are not currently "valid" domain names or e-mail addresses, nor are they intended to be in the future, merely to redirect to a

webphone. Claim 28, and dependent claims 29-36, should therefore be allowable over the art of record.

Claim 15 likewise requires an address string which is usable over a telephone, a webbrowser, and VOIP. Vegvari is silent except to the existence of browsers, and Kelly only envisions webphone usage. Claim 15 requires that the address can be validly entered into any of the applications for successful reaching a like communication device of another user. Neither Vegvari nor Kelly disclose more than one system. Claim 15 and dependent claims 16-27 and 93 and 109 should therefore be allowable over the art of record.

Claim 78 now requires that a second, non-telephone system be capable of being addressed by the current cross-communication address system. Kelly merely shows the ability to address telephones using internet like addresses, but is silent to using the same address for both telephone systems and internet systems as shown in the present invention. Claim 78 and dependent claims 79, 84-89, 91, 95, and 114 should therefore be allowable over the art of record.

35 U.S.C. § 103

The Examiner rejected claims 15-19 and 25 under 35 U.S.C. § 103 over Vegvari in view of 1-800-FLOWERS.com. The Examiner rejected claims 3 and 30 under 35 U.S.C. § 103 over Vegvari in view of Marshall. The Examiner rejected claims 22 under 35 U.S.C. § 103 over Vegvari in view of 1-800-FLOWERS.com, Dillon and Marshall. This rejection is respectfully traversed.

For at least the reasons above, the claims have been amended and should be allowed over the art of record. However, as to claims 15-19 and 25, 1-800-FLOWERS is not a telephone number, but a Trademark term or alphanumeric string that can be converted into a telephone number. No one viewing the string would be taught or would recognize that a telephone number appended with a domain name could be used as a foundation for providing a common address for communicating across multiple communication media. Neither Vegvari nor the 1-800-FLOWERS website provide any text or explanations that could possibly be said to be a “teaching” to one skilled in the art without excessive experimentation and “divining”. This rejection is therefore respectfully traversed.

Claim 3 has been amended to include the allowable subject matter of claim 7 and thus is allowable for at least those reasons. As to claim 30, entering 1-800-Flower into a telephone system requires manipulation in at least converting the letters into numbers and removing the dashes, whereas claim 28 from which claim 30 depends requires that the telephone number string can be entered into the system (here, a telephone) without reversing or manipulating the address string as would be required to enter the letters and dashes of the 1-800-FLOWERS into either the telephone or the domain name (depending on which telephone number made up the string – the numbers equivalent or the words).

Patentability of New Claims

Likewise, new claims 115-165 continue the difference between the present system and the prior art.

Claim 115 from which claims 116-130 depend require that an at least 7 digit telephone number string can be entered into a telephone or a webbrowser (with the domain name attached) to connect to another telephone or webpage.

Claim 131 from which claims 132-139 depend recites a standard telephone and a text-capable media can validly be addressed by a telephone number and telephone domain name.

Claim 140 from which claims 141-149 depend recites a system having a common telephone number, domain name and e-mail address.

Claim 150-165 recite at least a seven digit telephone number used as a common address between a telephone and a webpage. 1-800-FLOWERS is a trademark term which does not teach one of ordinary skill in the art that telephone "numbers" could be used as a common address form for domain names and telephones, and especially not for telephone numbers, e-mail addresses, and domain names as recited in claim 158-165. Neither Kelly, who suggests lookup tables that result only in telephone connections, or Vegvari, who merely acknowledges that webbrowsers exist, suggest the claims of this invention. For at least these reasons, new claims 115-165 should be allowed over the prior art.

Summary

Applicants have made a diligent and bona fide effort to answer each and every ground for rejection or objection to the specification including the claims and to place the application in condition for final disposition. Reconsideration and further examination is respectfully requested, and for the foregoing reasons, Applicant respectfully submits that this application is in condition to be passed to issue and such action is earnestly solicited. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Robert N. Blackmon, Applicants' Attorney at 703-684-5633 to satisfactorily conclude the prosecution of this application.

Dated: July 22, 2004

Respectfully submitted,



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